

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**ALEJANDRO VALLESILLO, individually,
and on behalf of all others similarly situated,**

Plaintiff,

vs.

**VANGUARD EQUITIES, LLC, a New York
Limited Liability Company, and JEROME
CERILLO, an individual,**

Defendants.

8:24CV467

ORDER TO SHOW CAUSE

Federal Rule of Civil Procedure 4(m) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m).

Plaintiff filed the Complaint on December 4, 2024. ([Filing No. 1](#)). On December 16, 2024, Plaintiff filed a summons returned unexecuted as to the individual defendant, Jerome Cerillo. ([Filing No. 7](#)). On December 17, 2024, Plaintiff filed a motion asking for leave to serve Defendant Vanguard Equities, LLC, by alternative means. ([Filing No. 8](#)). The Court granted the motion on January 30, 2025, and permitted Plaintiff to accomplish service upon Defendant Vanguard Equities, LLC by personal service on the New York Secretary of State. ([Filing No. 9](#)). Plaintiff did not request additional time to serve Defendant Jerome Cerillo, nor did Plaintiff request to serve him by alternative means. Plaintiff has now sought default judgment against Defendant Vanguard Equities. (Filing Nos. 11-13). However, more than 90 days has elapsed since the Complaint was filed, and to date Plaintiff has not filed any return of service or signed waiver indicating service on the individual defendant, Jerome Cerillo, Cerillo has not entered a voluntary appearance, and Plaintiff has not requested an extension of time to complete service upon Cerillo. Accordingly,

IT IS ORDERED that Plaintiff shall have until **April 25, 2025**, to show cause why this case should not be dismissed as to Defendant Jerome Cerillo pursuant to Federal Rule of Civil

[Procedure 4\(m\)](#) or take other appropriate action. The failure to timely comply with this order may result in dismissal of this action as to Defendant Cerillo without further notice.

Dated this 3rd day of April, 2025.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge